

## **Remarks**

### **I. Status of the Claims**

Presently pending are Claims 18-27 and 29-43. Applicants herein amend Claims 29-30 and 40. Applicants submit that no new matter has been added.

### **II. Summary of the Office Action**

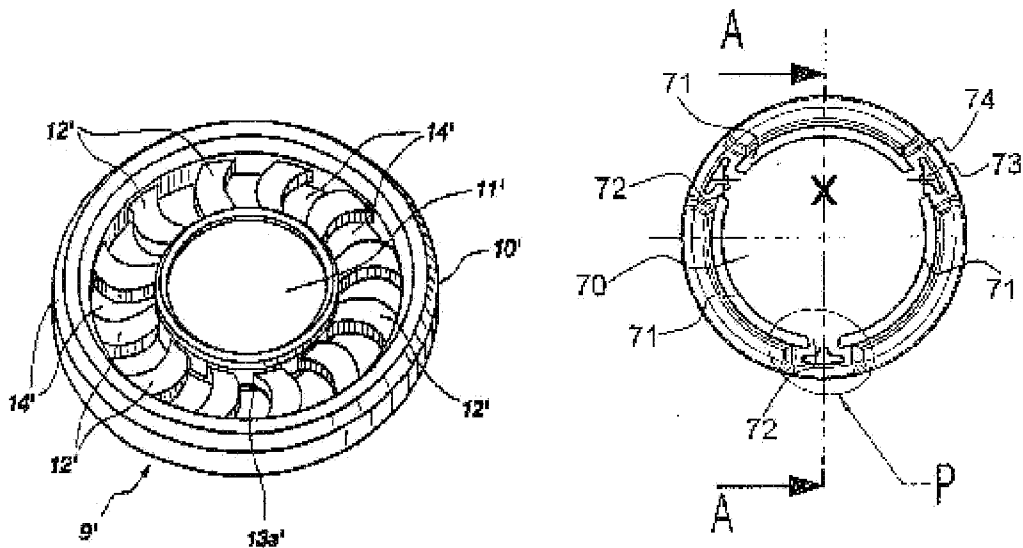
In the Final Office Action mailed March 23, 2009, the Examiner rejected Claims 18-19, 25-26, 30, 32-33, and 42-43 under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,415,632 (Samson) in view of U.S. Patent No. 6,390,130 (Guala). Further, the Examiner rejected Claims 22-24 and 41 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson in view of U.S. Patent No. 5,025,829 (Edwards), Claims 20-21 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of Edwards, and further in view of U.S. Patent Application Publication No. 2003/0153869 (Ytteborg), Claims 27 and 38-40 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of Edwards, Claims 29 and 31 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 5,897,033 (Okawa), Claims 34-36 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 6,110,141 (Nuesch), and Claim 37 under 35 U.S.C. 103(a) as being allegedly unpatentable over Samson and Guala in view of U.S. Patent No. 3,981,636 (Aoki).

### **III. Response to the Rejections**

Claim 18 recites a breast shield with a diaphragm of a valve, the diaphragm comprising elongate openings and additional compact openings. The elongate openings open the valve conduit. The elongate openings are separated from one another by webs. The diaphragm is designed to be weaker in the area adjacent to these webs. Compact openings are present adjacent to the webs.

The valve as described in Claim 18 is designed so as to remain sufficiently flexible after cleaning, the diaphragm being able to lift and fall sufficiently quickly. (Specification, p. 3, lines 29-34).

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Samson in view of Guala. However, neither Guala nor Samson teaches elongate openings and additional compact openings as recited in Claim 18. In the Examiner's Response to Arguments on page 18 of the Office Action, the Examiner stated that Guala discloses "elongate openings 14'A and compact openings 14'B." However, a careful review of U.S. Patent No. 6,390,130 of Guala does not show openings labeled 14'A and 14'B; the Examiner added "14'A and 14'B" to a Figure B on page 4 of the Office Action. Instead, Figure 2 of Guala shows "openings 14" described in Guala. These openings are not described or shown as being different shapes or sizes. Figure 2 from Guala is shown below on the left, next to Figure 5b of Applicants' Application on the right, to compare.



As seen from the Guala Figure above, the openings 14' in the Guala Figure are of the same size and shape. In contrast, the figure from Applicants'

Application illustrates an elongate opening, shown at 71, and a compact opening, shown at 73.

As the Examiner stated, Samson does not disclose a diaphragm valve body with openings that are elongated, uniformly distributed along a circle in the periphery of the diaphragm, and are separated from one another by webs. Nor does Samson disclose that the diaphragm further comprise compact openings which are present adjacent to the webs.

For at least the reason that the elongate openings and additional compact openings are not shown in the cited references, there is no case of *prima facie* obviousness. Applicants thus submit that Claim 18 is allowable. Claims 19-21 and 25-40 ultimately depend from Claim 18 and Applicants submit that for at least the reason that each claim ultimately depends from allowable Claim 18, Claims 19-21 and 25-40 are also allowable.

In Claim 41, the elongate dimensions of the elongate openings are set out. Claim 41 describes the elongate openings as being "***arc-shaped comprising a longitudinal dimension extending along said circle***" and "***in the periphery of the diaphragm.***" The openings in Guala do not show openings described as such. In Guala, the elongate dimensions of the openings extend in a radial direction and not along the circle. Since Guala and the other references do not show the claimed elongate openings, this claim should be allowable over the cited references. Applicants submit that Claim 41 is thus allowable.

For Claim 42, neither Guala nor Samson describes elongate openings distributed along a circle in the periphery of the diaphragm, separated from one another by webs and thinned parts in the area adjacent to the webs. The thinned parts are designed to make the diaphragm weaker in the area adjacent to the webs. Because the thinned parts of the diaphragm are not shown in the cited references, there is no case of *prima facie* obviousness. Applicants submit that Claim 42 is thus allowable.

In Claim 43, the valve body is a unitary part comprising the jacket and the diaphragm. This jacket allows the attachment to the valve seat. In Samson the diaphragm has to be arranged between two parts of the valve seat, it has to be

clamped. The same applies to Guala. Since Guala and the other references do not show the claimed valve body being a unitary part including the jacket and the diaphragm, Applicants submit that Claim 43 is allowable over the cited references.

Claim 22 was rejected by the Examiner in view of Samson in combination with Edwards. As previously argued, a person skilled in the art has not hint to use the material mentioned in Edwards for the breast shield mentioned in Samson. Since there is no suggestion to combine Edwards and Samson and no teaching or suggestion in Edwards and Samson to supply the claimed limitations recited in Claim 22, this claim should be allowed over the cited references. Claims 23-24 depend for Claim 22 and Applicants submit these claims are also allowable, at least for the reason that teach ultimately depends from allowable Claim 22.

#### **IV. Conclusion**

For these reasons, Applicants respectfully request favorable reconsideration and allowance of all the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3347.

Respectfully submitted,

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Date: September 23, 2009

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